Preserve

A

App. F. IX-4

1932

File No. 41-32

Previous References

(S+A.)

Serial Nos. 1 to 4

S&A 61-30 (1-5)

Later References

S

A - Collection

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 4

Part B for April 1933.

SUBJECT.

Succession to the Hagalvadi Pollegr ~~Political~~ pension drawn by the late Sugnandaraja & Devammaji -

4) To, Sir K.P. Puttannachetty, Kt., C.B.E.
The Comptroller to Govt.
No. 5710-11 D1 24/25 April 1933

State that there are no reasons to reconsider the case.

Arm 15/10/33

Basavangudi P.O.,
Bangalore City, 8th July 1932.

Dear Sir Mirza Ismail,

I have gone fairly carefully over the memorial present by Sir K.P.Puttanna Chetty.

There is of course an appearance of much plausibility about the arguments, as is only to be expected when a clever and experienced lawyer is employed to formulate them. But I have not been able to find any really sound point that was overlooked by Government or any fresh point that necessitates a reconsideration.

All the pertinent grounds that had been originally urged on behalf of the petitioners were duly weighed by Government, though they may not all have been referred to and commented upon specifically in the final order. That Order proceeds upon the quite sufficient and conclusive ground that no one who is not a "scion" of the "family" of the original grantee in the true sense of the term has a right to succeed to the vacant pension, and that the petitioners, as the daughter's sons of Basavalingaraja, are not so entitled.

The present petition for review assumes throughout that a Pallegar pension is exactly like any other private property, with all the ordinary incidents of Hindu Law applicable to such property, including "perpetual" and unrestricted succession to the remotest degree of collateral relationship. It altogether ignores the essential character of such a pension as a grant by the State made for a specific purpose and under implied and well understood conditions.

If the basis of the contention now put forward were to be accepted, there could be no possibility of a Pallegar pension lapsing at all, so long as there was in existence some person able to claim the least tinge of blood relationship, however remote, to the original grantee.

Personally I see no good reason at all for a reconsi-

deration of the former decision of Government.

The question of a further hearing (in person and through counsel) at this stage is entirely a matter of discretion. Ordinarily it would be merely another opportunity for clever counsel to confuse, cajole and if possible intimidate the tribunal (by the use of complicated arguments, frightful legal terms, and so on).

But if it be decided to accede to Sir Puttanna Chetty' request in the matter, it will be desirable, before the hearing comes on, to depute a capable Secretariat Officer to pick up and make a careful precis of all useful and material orders and rulings showing the course of dealing by Governmen with Pallegar pensions in the past. Arguments may then be heard and final orders reserved.

I append a few additional comments on some of the specific points raised in the Memorial.

Yours sincerely,

Sd. K.S.Chandrasekhara Aiyar.

"COPY"

ADDITIONAL REMARKS.

Point (ii). A personal hearing in such cases is a matter entirely in the discretion of Government. The present petitioners were not the only claimants to the vacant pension, and all concerned including themselves had the opportunity of putting forward and supporting their claims fully in writing, and they did do so as a matter of fact.

So far as the present petitioners are concerned, it is a question not of the Government seeking to "lapse" a pension more or less arbitrarily, but of the petitioners establishing their own right to succeed to it under the law and practice applicable to such pensions.

Point (iii). The question is not simply one of nearness of heirship under the ordinary Hindu Law, but the fundamental question whether the petitioners, who by birth belong directly to the gotra or family of their father and paternal grandfather, can claim to be scions of the family of their maternal grandfather.

The decision of Government on the point is perfectly accurate.

Point (iv) and Paras 4 and 5 of Memorial. This is simply to beg the question. The argument advanced merely confuses the issue as between the extinction of the line of succession to a deceased Hindu through failure of his heirs however remote, and the extinction of the family of the original grantee through failure of lineal descendants (including heirs validly adopted).

The distinction between "gotraja" and "bhinna gotra", agnate and cognate, is very well understood in Hindu Law. A daughter's son is not a gotraja, but only a bhinna gotra, though he inherits by virtue of special texts. The petitioners, who belong to a different gotrá or family from that of the original grantee, are not scions of the Hagalvadi family merely because they can trace their relationship to him through their mother.

4

Point (v). Merely because a daughter's son is in the line of succession under the ordinary Hindu Law and entitled (in the absence of nearer heirs) to take the estate of a deceased Hindu as heir, it does not follow that political pensions granted by the State on special grounds and intended for a specific purpose can be allowed to be inherited indefinitely by the remotest heirs according to any rule of "perpetual succession". The benefit contemplated is conditional and cannot be appropriated when the conditions do not fully obtain.

Points (vi) and (vii). This is a more reiteration of a baseless claim, which has been negatived by Government after due consideration. It seeks virtually to deny to the State the right to see that a State grant is properly applied and utilized.

Precedents must be judged in the light of the particular facts to which they have reference. An exercise of discretionary power in one case cannot be relied upon as necessarily forming a binding precedent in a subsequent case, without reference to the actual circumstances and in derogation of the discretionary power in reserve. As far as I can gather, the Mysore State has never (in this matter of political pensions) recognized or acknowledged the right of succession of a daughter's son as a matter of legal right. Such a succession may have been occasionally permitted as a matter of grace *, but such permission of course stands on a very different footing from treating a Pallegar pension as involving all the ordinary incidents of Hindu Law as to succession. On the latter view there would be no occasion at all for the State to interfere, and the right to the pension would become assimilated to any other civil right, amenable to unrestricted alienation, attachment, etc. It is impossible to contemplate any such development, and inadvisable to encourage claims which may lead to such developments.

* a point to be verified in the office.

Point (viii) and Para 8 of Memorial. The quiet introduction at this stage of the idea of "the fiduciary character of the grant" is a clever move. But unless the contention is properly

made out, and its direct and indirect implications fully explained, it would not do to accept it as a correct description of the position. It is not clear what the petitioners' authority is for asserting these pensions to be "fiduciary" grants. I do not believe that the Mysore Government have at any time accepted such a description as applicable to Pallegar pensions granted by the State. The incidents of such pensions, after all, must be determined entirely by the terms of the grant and the course of practice of Government in dealing with them.

To assume that such a pension is a "fiduciary grant" and then to deduce all sorts of legal incidents from such assumption is, of course, altogether fallacious.

The Government have certainly never had any intention to deal arbitrarily with pensions voluntarily conferred by the State in the past. The attitude of Government is one of benevolent consideration for the families of persons who have done good service to the State in the past. To characterize the position as one of legal liability of a "fiduciary" character is surely a travesty of the facts.

Point (ix) and Para 13 of Memorial. It is not true to say that the Government desire " to set up a new and peculiar law of succession" at variance with Hindu Law and usage. The question rather is how far all the ordinary incidents of the Hindu Law of succession are applicable to this class of political family pensions, and how far the petitioners' claim to belong to the same family or gotra as the grantee of the pension is valid.

The hand of the clever lawyer is revealed in the plausible contention that "the Government should not merely allege (any such intention) but prove it" etc. The suggestion here is that the questions involved are of the nature of a civil dispute between parties - the petitioners on the one side and the Mysore Government on the other. The Government are not likely to assent to any such extraordinary demand, one by which they are invited to step down from the position of sovereign grantee and final

6

arbitrator to that of an ordinary litigant. If it be deemed advisable to give the petitioners a further opportunity for placing their representations before Government, it must be on the footing of their being really petitioners and not a party whose interests are opposed to those of Government.

The insinuation that Government "seek to abrogate valued rights of property of a heritable character" is a serious one, both as casting an unwarranted reflection on the intentions of Government and as implying a wholly inadmissable description of the character of a Pallegar pension.

Once it is admitted that a Pallegar pension is "a right of property of a heritable character" and that the position of Govemment in relation to it is of a "fiduciary" nature, the Government will have abrogated its right to see that every political pension is properly applied, and that it is enjoyed by those persons, and only by those, for whose benefit it was primarily intended. I need not dilate upon the far-reaching and undesirable consequences of any such admission.

Point (x). This argument is a mere <u>non sequitur</u>. Because the original grantee was loyal and devoted to the Royal House of Mysore and therefore was deemed deserving of consideration, it does not follow that the same consideration should be indefinitely continued to every one who can claim his relationship, however diluted as to blood and remote as to degree.

Sd. K. S. Chandrasekhara Aiyar

8.7.1932.

"COPY"

General and Revenue Secretariat — St A File No. 41 of 1932

Serial No.	
1	Notes From Sir H. P. Puttanna chetty KT, C.I.E. Petitioner of His memorial re: Hagalvadi Political pension The case was argued by Sir Alladi Krishnaswamy Iyer, Advocate for the petitioner and heard by the T. members and Dewan on the 11th instt. Subd for orders. (Sd) Fur'Decy 1st Member 16/7 18.7.32
2	From H. S. Nanjundaraja Son of Sugandaraja, Poll of Hagalvadi and Kenchanagadda. Petitioner (Sd) 16- Prays that the order passed in G.O. No. H 6992/St. 61-30-3 (Sd) 11-3-32 re. Hagalvadi pension may reviewed and the pension of Rs 270/- granted to his Nanjundaraja is the claimant No 5 referred to in the G.O. No H 6992/St A 61-30-3 (Sd) 11-3-32. He claims the pens as the adopted son of Sugandaraja the last male holder the pension and also as the agnate (Sugandaraja's f Veerappaji's undivided own brother's son) represent the pollegar family. In the G.O. (Sd) 11-3-1932 it is stated that "as regards claimant No (5)" (the present petitioner) "his alleged adopt to Sugandaraja (even if it were a fact) is ineffective the purpose of determining succession to the pension fo want of Govt Sanction". The petitioner states that he the validly adopted son of Sugandaraja and prays a date may be given to him to present his case there

Please ascertain the opinion of Govt thereon and report in 3 days here.

Refd by T. Mr's office today 20/7

NOTE—Contn. Sheet.

Nagalvadi Political Pension

File No. of 193 | General and Revenue Secretariat

in advance. The petitioner also prays that permission may be granted to him to get a declaration from a court of law to the effect that he is the adopted son of Sugunderaja and also a direct legitimate heir & descendant of the last male holder of the pensions alone in the case of Rayadurg Pollegar family. × S+A·26-26-2(7

The claim of the present petitioner has been discussed at great length in (1) the State Huzur Treasury Officer's report Para 22 (Nag.S.) vide note Paras 12 to 14 (Nag Q) and Financial Secretary's note (Nag R) in the file. S+A·61-30-1 to 5·

bd for orders. Old files are also put up ~~and flagged~~ for reference.

6/7/32

The case has been fully discussed in para 12 of the Secy note of Mr Jui Secy's note dt 31.7.32 in S&A file 61-30 parts 1 and finally disposed of in G.O no 71 6992 dt 12.3.1932. The ground of rejection of the petitioner's claim was that his alleged adoption by Sugandharaja (even if it were a fact) is ineffective for the purpose determining succession to the pension, forwant of Government sanction. This view is contested by the petr in para 3 of the petn, and the petr prays for being heard through his Advocate on this & other grounds for reversing the order in his favour. 2 points for orders

For orders

Jui Secy 30/7

S.S.

2/8

Mere

18.7.)

5 AUG. 1932 No. 108

General and Revenue Secretariat S. & A. File No. 41 of 193 2.

Serial No.

5 AUG. 1932 852

DEWAN'S OFFICE 4 - AUG. 1932 813

There was one representation for a review of the order directing that certain pensions of the Nagarvadi family should lapse and it was by Sir K.P.Puttanna Chetty on behalf of his grandsons. His Counsel was heard on the 11th July 1932.

Another review petition is now received and it is from one H. S. Nanjundaraj who alleges to be the adopted son of Sugandaraj who was drawing a pension of Rs 160/- which has now been ordered to lapse. The claim of this petitioner was considered and rejected in ~~the~~ G.O. dated 11th March 1932. He now requests that he may be permitted to make his representation through his Counsel. As a hearing was given to represent the claims of Sir K.P.Puttanna Chetty's grandsons, I think the request of the present petitioner to represent his case through his Counsel has also to be complied with.

The case may be submitted to the Dewan.

Dewan)
The Fin. Member may please
that the petitioner I will suppose
perusal is necessary
(Sd. Member)

3/8/32
4-8-32

May be posted for hearing on the next day on which Mines Cases are taken up.

6/8/32

P-T-O

OFFICE OF THE FIRST MEMBER OF COUNCIL

General and Revenue Secretariat

10

Pa Mega Pension case.

This is posted for 26th inst. at 12 NOON.

48
12/9.

Endorsement ~~granted~~ to the petition stating that his case will be heard on the 26th instant suo-d.

15/9/32.

Issue

To, Mr. H. S. Ranjundaraja, Bangalore city. 3
FC 1643 dt 15-9-32
Informs that the case will be heard on the 6th instant.

Serial No.

2035

This case was heard on 26th September 1932.

Messrs A. R. Nageswara Aiyar and H. V. Narain Rao appeared for the petitioner.

It was contended that the adoption of the petitioner by Sugandharaja did not require the previous approval of Government and that the direction contained in para 9 of the G.O. dated 29th October 1887 applied only to an adoption by a widow. A Pallegar pension is intended for the benefit of the family concerned and the petitioner can get no special right to the stipend under consideration on the ground that he is the adopted son of Sugandharaja. There are also doubts about the validity of his ~~pension~~ adoption as stated in the report of the State Huzur Treasury Officer and in the Memorandum dated 8th December 1929, submitted by Sir Puttanna Chetty to that officer in preferring a claim to the stipend on behalf of his grand-sons. The petitioner's claim, if any, can really be only on the ground that he is an agnate member of the Hagalvadi Pallegar family. The records do not show that he or his father or his grand-father was dependent upon this pension for ~~their~~ his support or received any share of it from either Veerappaji or his sons Basavalingaraj or Sugandharaj. It was, however, urged on behalf of the petitioner that there was a family karar according to which the petitioner's branch of the family was allowed a share of the

stipend

Serial No.

stipend and that a copy of the karar had also been submitted to Government in 1890. There does not appear to have been any claim by members of this family for a share of the pension either when Veerappaji died and the whole stipend was registered in the name of Basavalingaraj ~~and~~ or when, on account of dissensions in the family, the stipend was divided among Basavalingaraj, Sugandharaj, Channaveeraraj and Devammaji. Veerappaji was recognised as the Barawardar of this family pension because he was the adopted son of Sugappa Naika. The petitioner states that he is a descendant of a brother of Veerappaji ~~Naika~~ and it is not clear how he can have any claim to the pension allowed to a family to which Veerappaji was adopted. The petitioner's lawyers offered to submit evidence to prove that his branch of the family had all along an interest in this pension and that its members were dependent on it for their support. The submission of ~~their~~ this further representation may be awaited. From the available records it does not appear that the petitioner's branch of the family has had any share of the pension with the knowledge and approval of Government. Further action to be taken may be decided on receipt of the representation referred to above.

A memorandum headed "Re. Political Pension of Hagalvadi ~~Family~~ Pallegar Family", presented on behalf of the petitioner, is placed in the file.

Mule
27.9.32

WD 2087—GPS—500—25-5-31

General and Revenue Secretariat | File No. | of 193

Serial No.

ALLADI KRISHNASWAMI.

EKAMBRA NIVAS
MYLAPORE
MADRAS.

FIN. 2517 15 FEB. '33 GERL. & REV. SECTT.

4th February'33

Dear Sir Mirza,

Sir Puttanna Chetty's Pension Affair.

I should like to make further representaticns to you. I request you to give me an opportunity when the file reaches you for final orders.

Given by the Dewan to Shown to Sh. N.V.

With kind regards,
Yours sincerely,
A Krishnaswami

Sir Mirza Muhammad Ismail Kt.,
Dewan of Mysore.

Stat

OFFICE OF THE MEMBER OF COUNCIL
20 FEB. 1933
S329

Sealed with reference files only flagged.
This case was heard last on 11th July 1932
IW 16/2 Sealed by the Sh. Member with the letter received from the Dewan from Mr A. Krishnaswami Ier.
Sh 9/2

NOTE—Contn. Sheet.

WD 70—GBPM—60,000—13-8-31.

(Sh. N.V.)

I do not think there is any object in again hearing Sir Alladi Krishnaswami Iyer. The case has been very fully considered and there are no reasons to modify the orders already passed -

DEWAN'S OFFICE 13. MAR. 1933

Dewan)

13/3/33

Ms -

14-3-33

Submd for orders as to whether the papers may be filed or whether a letter should be sent to Sir Krishnaswamy Iyer stating that Govt. do not see reasons to modify the orders passed -

Forwarded

Further)

182 dlr). For normal & for orders see A.

An order has to be passed on Sir K.P. Puttanna Chetty's representation presented thro Sir Alladi Krishnaswami Iyer. A reply to the latter's letter dt 4.2.33 seems necessary and it may be ascertained from the Dewan's office if it has been sent.

17.3.33

Serial No.

Subd. It is ascertained that no reply has been sent

An order as under may, I think, be issued.

"With his letter dated the 16th July 1932 Sir K.P.Puttanna Chetty submitted, as the guardian for his four minor grandsons - Rajasekharayya, Kumaraswami, Sreecantayya and Visvanathayya, a memorial requesting a reconsideration of the G.O. No. Fl. 6992 / J. & A. 61-30-3 dated 12-3-1932 rejecting their claim to the Hagalvadi Pollegar pension. The memorialists' request that they may be given a hearing through their counsel, was complied with and Sir Alladi Krishnaswami Iyer argued their case on the 11th July 1932.

The main contentions of the memorialists are the following:-

i. They are as much scions of the Hagalvadi family as any natural or validly adopted male heirs.

ii. There are no nearer heirs than the memorialists.

iii. A Pollegar pension can lapse to Government only when there are no heirs.

and iv. A Pollegar pension is a grant of a fiduciary character and its devolution should

WD 70—GBPM—60,000—13-8-31

should be governed by the same rules of succession as are applied to Pallopet lands.

The memorialists claim to be members of the Hagalvadi family as douhitras of Basavalingaraj. A daughter's son is not a gotraja but only a bhinnagotra though he inherits by virtue of special texts. The petitioners belong to a gotra or family different from that of the original ~~gotra~~ grantee of the pension under consideration and their contention that they should be regarded as the scions of the Hagalvadi family, merely because they can trace their relationship to such grantee through their mother, is quite untenable. The arguments that they are the nearest heirs and that the pension could lapse only when there are no heirs, proceed upon the unfounded assumption that Pollegar pensions are heritable private property, the succession to which is governed by all the ordinary principles of Hindu Law. These pensions are grants by Government made on special grounds and for a specific purpose and they cannot be allowed to be inherited indefinitely according to any rule of perpetual succession. Being political pensions allowed from public revenues and sanctioned at the discretion of Government, these stipends possess no fiduciary character whatever. They are intended for the maintenance of particular families and should cease when the families concerned cease to exist. The family of the original grantee has become extinct through failure of lineal descendants

Serial No.

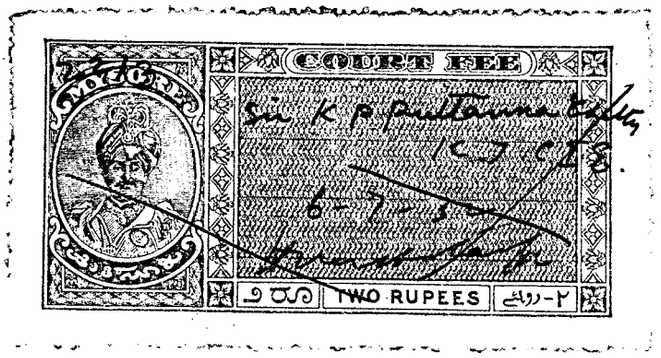
descendants, including heirs validly adopted, and the pension allowed to it has accordingly lapsed in the natural course. The memorialists have no claim whatever to the pension and there are no reasons to re-consider the orders already passed."

DEWAN.)

4 To, Sir, K. P. Puttanachetty Kt. C.I.E.
The Comptroller to Govt.
Directs that there are no reasons to reconsider the orders already passed.

NOTE—Contn. Sheet.

S & A- 41-32-1



"Shanthi Nivas",
5th Road, Chamarajapet,
Bangalore City.

6th July 1932.

To the Fin. Secy with compliments
MLL 6/7/32
Case from 7/7

To

The Chief Secretary to
the Government of His Highness
the Maharaja of Mysore,
Public Offices, Bangalore.

Sir,

In enclosing herewith a Memorial in re Hagalvadi Political Pension, I have the honour to request that you will be so good as to place it before the Dewan.

I have the honour to be,

Sir,

Your most obedient servant,

Guardian to
Minor Memorialists
Rajasekharayya, Kumaraswamy,
Srikantayya and Visvanathayya

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Rajasekharayya Kumaraswamy Sreekantayya Visvanathayya Dewan Bahadur

memorial presented by Sir K. P. Puttanna Chetty Kt. C.I.E.

Retired First member Exco. Council

TO

THE GOVERNMENT OF HIS HIGHNESS

THE MAHARAJA OF MYSORE,

BANGALORE.

Memorial

with two enclosures (as in last case) exhibits. (as in last case) C

In the matter of the Hagalvadi political pension, the undermentioned memorialists Rajasekharayya, Kumaraswamy, Sreekantayya and Visvanathayya, minors, by Dewan Bahadur Sir K. P. Puttanna Chetty, Kt., C.I.E., guardian, respectfully pray that the Government may be graciously pleased to reconsider their Order No. Fl. 6992/St. A. 61-30-3, dated 11/12th March 1932, (*vide* Exhibit A) rejecting their claim to the said political pension and directing that it should lapse to Government, for the following reasons, in addition to those set forth in detail in their previous representations submitted in August 1929, December 1929 and January 1932 :—

1. That there is no indication in the order in question that the grounds on which they base their claims have been given adequate weight and consideration.

2. That inasmuch as it is an *exparte* executive order passed on the mere perusal of the records without *hearing* the parties concerned and giving them an opportunity of adducing evidence and *arguing* their case, it cannot be considered to be the *final* decision of the Government in the matter and as such binding on them and it is therefore incumbent on the benign Government to revise, rescind or reverse the same in a manner in consonance with justice, equity and good conscience.

3. That while not disputing the correctness of the proposition that they, the memorialists, "cannot have any precedence over nearer heirs", they respectfully venture to submit that, as a matter of fact, there are no "nearer heirs" in this case than they themselves and their mother Thayammaji.

4. That both according to Hindu Law as well as Usage having the force of law, by which all such cases have been and are to date regulated, a Hindu family does not "become extinct" merely "by the absence of natural or validly adopted male heirs". In such a case, the daughter's son or *dauhitra* is competent to perform and does perform all the functions which an *aurasa putra* or *dattu putra* could have performed. In fact, he is regarded as a "subsidiary son" and occupies a very high rank among the class of heirs as will be evident from the following extracts from Mayne's *Hindu Law and Usage* (*vide*, page 823, para 562, ninth edition) :—

> "The daughter's son, though a *sapinda* is not a *gotraja sapinda*. He is *nearer in degree*, but exactly similar in class to a sister's son or an aunt's son who only come as *bandhus*. Yet, according to all systems, even those which prefer the *gotraja sapinda* as far as the seventh degree, and the *samanodakas* as far as the fourteenth degree to the *bandhus* he comes in *before the brothers* and *more remote sapindas*. The cause of this *peculiar favour* is to be found in the old practice of *appointing a daughter to raise up issue for a*

man who had none. The daughter so appointed was *herself considered as equal to a son.* Naturally her son was equivalent to a grandson, and as the merits of a son and grandson are equal he ranked as son. Consequently we find him enumerated among the subsidiary sons, and taking a very high rank among them, generally second or third. Subsequently the appointment of a daughter to raise up issue for her father became obsolete. But the fact of the nearness of a daughter's son remained, and their natural claim to succession on the ground of mere consanguinity recommended itself for general acceptance. The daughter's son ceased to rank as son, but he retained his place next in succession to the daughter, or where there was no daughter."

5. That this authority coupled with the definition of the term, "scion", *viz.*, "a piece cut from a twig or shoot of a tree or plant *for grafting into another plant:* a child or descendant used particularly of noble or illustrious families" (*vide New Standard Dictionary*, Vol. IV, page 2194) clearly shows that the memorialists are, contrary to what Government put forth in Para 5 of their Order under advertence, as much the "scions of the family in the true sense of the term" as any "natural or validly adopted male heirs".

6. That further, when it is recollected how deeply implanted is the desire for male progeny in the Hindu mind, and how although Basavalingaraja, the grand-father of the claimants, married four wives, he had no issue during his life-time except Thayammaji, their mother, there can be no doubt that but for the unfortunate accident of his having died suddenly and prematurely before they were born, he would surely have adopted one or other of them, as is usually done in such cases.

7. That apart from this aspect of the case and confining attention only to facts admitted on all heads, it is a matter of common knowledge, how the country was originally occupied by a number of petty chieftains, known as "Pallegars", who governed their own principalities, or "Palyams" as they were called; how on the subjugation of the country by Hyder Ali these "Palyams" were all annexed to Mysore; how their holders were called upon to help the British, the Nizam and the Peshwahs in the suppression of the common enemy with the *promise* that in return for their services their ancient rights and possessions would be restored to them; how this promise was fulfilled, wholly or partially, in British India and in the Nizam's Dominions by the grant of Jaghirs *or* land Inams subject to the payment of a *peshcush* or subsidy; how it was deemed inexpedient, solely for political reasons, to follow the same procedure in Mysore; and how accordingly the grant of monthly stipends of money pensions was substituted for the restoration of the pallepat lands.

8. That having regard to the *origin* and *antecedent circumstances* connected with the grant of these "Pallegar pensions" as set forth above, especially the *fiduciary character* of the grant, it is obvious that the devolution of these pensions should be governed by the same rules of succession as applied to the "pallepat lands" which they replaced, subject of course to such safeguards of special conditions as might be called for, having regard to the altered *form* of the grants as well as the *political*

considerations which necessitated the change of *form*. Thus, while not violating the fundamental principles of the Hindu Law of "hereditary descent" and "perpetual succession" like any other *immovable property*, it is found that the pensions are usually treated as *indivisible units* and consequently registered in the name of a *single* heir, according to the law of primogeniture. This shows that the devolution should be regarded as being regulated more in accordance with the law applicable to "impartible estates" or "Zamindaris" rather than ordinary co-parcenary property. For the same reason, invitations to Palace functions and other marks of respect, usually accorded to honoured personages, are extended *only* to the registered *barawardar* who, in his turn, is expected to maintain and perpetuate the prestige, the dignity and the traditions of the family as its head. Similarly, he is expected to look after the interests of the subordinate members of the family; and although there have been cases in which on account of minor differences and petty dissensions between them, suitable shares or allowances have been carved out from the original estates and given to the latter, who have sometimes been even registered as sub-sharers, it is well understood in all such cases, that the grant is not absolute or permanent but dependent upon certain contingencies, and limited to the life-time of such subordinate members and after their death or cessation of the special conditions, the gift should revert to the head of the family and become merged in the *corpus* of the original property, which is always regarded as an *indivisible unit* or *integral whole*. For the same reason, they are exempt from attachment in execution of civil court decrees; and the adjudication of all questions relating to them is reserved by the Government themselves according to the merits of each case, consistently, of course with the *fundamental* principles of Hindu Law above adverted to.

9. That these "principles" have, time and again, been reiterated and affirmed in several Government Orders relating to the devolution of these pensions and notably in the three following proceedings:—

(i) G. O. Residency No. 117, dated 13th August 1880.
(ii) G. O. No. 1678, dated 29th October 1887.
(iii) G. O. No. W. 1308/140, dated 21/23rd May 1890.

The first of these Orders, which is issued over the signature of the late Dewan Mr. C. Rangacharlu, as Revenue Secretary to Government, *liberalized* the previous policy of treating stipends held by females as life grants liable to lapse to the State on their demise by interpreting it to apply "*only to those cases in which the stipendiaries have no issues or heirs*". The second Order still further liberalized the previous policy by recognizing adoptions as a legitimate means of perpetuating the lineage on the failure of natural heirs; and bringing the current practice into line with the fundamental principles of Hindu Law and Usage and the popular sentiment in every respect. And the third Order lays down the principle that succession is to be regulated according to the *law of primogeniture* and at the same time the interests of the subordinate members should not be overlooked. Practically the whole of the law on the subject, or rather "the whole scheme and policy of Pallegar pensions", as Government are pleased to term it in the Order under consideration, is contained in these three Government Orders, which are accordingly set down *in extenso* in

Exhibits B Series to this memorial for the sake of ready reference. Reference is specially invited to the passages printed in italics.

10. That turning now to the origin and antecedents of this very case, we find that although the pension in question is known as the "Hagalvadi pension", it is really the pension of the "Kenchanagudda family", or rather the pension of the "Kenchanagudda and Hagalvadi families" blended into one. For, in its inception it was a pension of 100 pagodas granted in 1799 to one Soogappa Naik, the head of the *Kenchanagudda* family, who had married one Rani Ramavva, the then last surviving member of the *Hagalvadi* family. By this marriage the interests of both the families referred to became merged into one. Soogappa Naik having died without issue in 1825, and both families being *consequently threatened with extinction*, His Highness the late Maharaja Krishnaraja Wadiyar III permitted the said Ramavva to *adopt* one Veerappaji *alias* Veerappa Naik (a member of the Hagalvadi family) *after* Soogappa's death. Veerappaji married Thayammaji and Devammaji, both daughters of Rani Devammaji, daughter of the late Raja of Coorg. The marriage was brought about by Mr. Bowring, in his dual capacity as Chief Commissioner of Mysore and Commissioner of Coorg, in order to strengthen the alliance between the noble families of both the countries. On Veerappaji's death, on 31st December 1877, the pension which he was enjoying was ordered to be continued to his eldest son Basavalingaraja from 1st January 1878 "for the *support of the entire family*" as specifically set down in the Chief Commissioner's Order No. 3, dated 9th April 1878. The succession was contested by his step-brother Sadasiva Raja but eventually the case was decided against him by Government who, in their Order No. 11194–6/1476, dated 15th January 1891, were pleased to observe as follows:—

> "Having reference to the fact that the Hagalvadi pension was *continued to Basavalingaraja at the special desire of the late Pallegar*, the Government are of opinion that neither Sadasiva Raja nor Linga Raja (his step-brothers *adopted into other* families) can be held to have any claim to a share in the pension."

Subsequently, dissensions having arisen between Basavalingaraja and his step-mother Devammaji on the one hand and his uterine brothers Chennaveeraraja and Sugandharaja on the other, Government in their Proceedings (i) No. P. P. 53/54, dated 24–9–1903; (ii) P. P. No. 139/40, dated 7–3–1904; and (iii) P. P. 170/1, dated 21–4–1904 ordered that Devammaji should be given a "maintenance *allowance* of Rs. 30 per mensem" out of the family pension during her life, subject to reversion to the counter-petitioner (Basavalingaraja) or the *other representative of the family after her death* and that Basavalingaraja should be *registered as the Chief Pallegar*, his brothers Chennaveeraraja and Sugandharaja being registered as *sub-sharers* entitled to receive their shares of Rs. 80 each direct from the Treasury. At the same time, they were enjoined "to improve themselves by education and other ways" and look to a professional career or *other means of livelihood for themselves and their* children. Copies of these Government Orders are appended to this memorial and they speak for themselves (*vide* Exhibits C Series). Reference

is especially invited to the passages italicised. In view of these circumstances, there can be no doubt that "Basavalingaraja" and *not* "*Sugandharaja*" should be regarded as the last holder of the pension for the purpose of tracing succession", and that the memorialists as his *dauhitras* and sole representatives of the senior-most line are entitled to inherit it, both according to usage as well as the law of primogeniture governing the devolution of the Pallepat lands as set out in Para 9 above.

11. That contrariwise, it has been observed in the Government Order under advertence that "the Government are of the opinion that the acceptance of the claim of a daughter's son would be quite opposed to the whole scheme and policy of Pallegar pensions". With due deference to this "opinion", it is respectfully submitted that as a matter of "fact" there are a number of cases in which the Government themselves *have expressly recognized the claims of daughters as well as daughters' sons* and even widows and mothers and sisters. Thus, it will be seen from the Government Order dated 12th August 1880, quoted in Para 9 above, how on the death of Chikkappaiah, a Chikballapur Pallegar stipendiary, his pension was divided amongst *all* his survivors, *viz.*, his widow Venkatalakshmammanni and her two daughters, his mother Chayammanni and her two daughters, besides his step-mother Mangammanni who had no issue, with the proviso that on her death her share should revert to Venkatalakshmammanni. Accordingly on Mangammanni's death, her share *did not lapse to the State* but was continued to Venkatalakshmammanni, the *principal* or head *barawardar* (*vide* G. O. 2670–1/460, dated 28th June 1881). The combined pension of Rs. 67–8–0 is now enjoyed by her only daughter Parvathammanni, the present holder, since the death of the former, according to G. O. Fl. 898/S. &. A. 53–21, dated 12th August 1922. Similarly, on Chayammanni's death her pension was first transferred to her second surviving *daughter* Nagara Lakshmammanni and on the latter's death, it was transferred to her *grandson* (*dauhitra*) Poottannaiya by the first daughter who had predeceased her and on his death it has been inherited by his son Seshanna, the present holder (*vide* G. O.'s P. P. 86–87, dated 10–11–1900 and No. Fl. 3408–9/S. &. A. 127–09–7, dated 19–1–1910). There are similar instances in the Manjarabad and Raidrug Pallegar families. Nay, there are cases in which the claims of *even illegitimate* issue have not been overlooked, they having been granted stipends. In the face of these precedents, it cannot be contended that the Pallegar pensions are "stipends specifically annexed to certain ancient families and are only *intended for the personal benefit of the scions of those families in the true sense of the term*". And even at that, the memorialists are not debarred from succeeding, as already shown in Para 5 above. Nor would the recognition of their legitimate title amount to a diversion of the pension "for benefit of other families" as observed in the Government Order under advertence. For they are claiming it as *Basavalingaraja's dauhitras*, and *not as the grandsons of Sir Puttanna Chetty*, on whom or on whose family the succession confers no benefits whatsoever.

12. That referring to the question of escheat, it is seen from Mayne's *Hindu Law and Usage* (Page 865, Para 588), that the King comes

last in the order of succession under the head "strangers", after every conceivable kind of heir is exhausted and that his title depends on the "general prerogative of the Crown as to heirless property". And it is settled law that "where the Crown claims by escheat, it must make out affirmatively that there are no heirs". As the case law on the subject has been exhaustively discussed in the previous memorials preferred by the petitioners, it is deemed unnecessary to repeat it here. The memorialists would, however, respectfully invite special reference to Para 4 of their memorial, dated 30th January 1932, which enunciates the correct *law* on the point. Turning to *facts*, it is seen from the printed list of Pallegars in the State, compiled so far back as 1876, that it is only the pensions of certain female stipendiaries and some illegitimate issue that were ordered to be lapsed to Government on their demise and *that by specific orders in each case.* Thus, the pension granted in 1845 to one Basavammanni, probably a sister-in-law of Veerappaji, fell under this category and therefore it was lapsed to the State on her death. But Veerappaji's own pension, the succession to which is now in question, was *not* subject to any such qualification but it has throughout been governed by the *fundamental principles of Hindu Law* of "*hereditary descent*" and "*perpetual succession*" *as is the case with every one of the ancient families shown in this list.* And even in the case of female incumbents and illegitimate stipendiaries, there are instances in which the pensions which had been once ordered to be lapsed in accordance with the previous policy, have been subsequently restored to them or their descendants, especially after the policy was *liberalized* as pointed out in Para 9 above. It thus happens that all the sixteen ancient families shown in this list are extant to this day, and they will continue to be extant in perpetuity, with the solitary exception of Gudibanda, the name of which is not to be found in the recent printed lists. This is so probably because the last holder Doddamma died absolutely without issue or heirs. However that might be, this is the *only* case so far in which the entire pension has lapsed to Government. And now the same fate threatens to overtake not one, but two families, *viz.*, those of Hagalvadi and Kenchanagudda combined, which will be wiped out of political existence unless the Government Order under advertence is revised as prayed for.

13. That lastly, the memorialists would respectfully urge that the history of Pallepat pensions in the Mysore State, as outlined above, from the known records relating to them, and the various orders that His Highness' Government have, from time to time, passed in regard to them, bear out their contention that there is no peculiar rule of succession at variance with the Hindu Law that is at all applicable to them, and that the ordinary rules of Hindu Law are applicable to them with such modifications as flow from the very character of the property in dispute, *viz.*, pensions. There is absolutely no basis whatever for the suggestion that any special rule of succession at variance with general Hindu Law has grown up in regard to Pallepat pensions, which are merely a substitute for the original property (*i.e.*, the Pallepats) held by the family. And in the absence of any special rules of succession laid down by His Highness' Government, your memorialists respectfully submit that the ordinary rules of Hindu Law are

ipso facto applicable to these pensions, which, your memorialists urge, are heritable property in the same sense in which any other property held by the last holder would be and is.

14. That it will be seen from what is stated in Para 10 above, how once before, when these families were threatened with a similar misfortune, His Highness the late Maharaja Krishnaraja Wadiyar III was graciously pleased to save the situation by permitting Ramavva, the widow of Soogappaji, to adopt Veerappaji *after* the former's death. This was in 1825 or 1826, that is, over half a century *before* even the Government thought of liberalizing the policy by recognizing the validity of adoptions as they did, by their Order dated 29th October 1887 referred to in Para 9 above. It will also be seen how subsequently the Chief Commissioner, Mr. Bowring, was pleased to interest himself personally to bring about Veerappaji's marriage not with one but with two wives of royal blood, in order to make the perpetuation of the lineage doubly sure and certain; how this expectation was realized by Veerappaji being blessed with five sons and two daughters; and how bountifully these descendants were provided for. Having thus protected both these ancient families with more than parental solicitude for well nigh a century and a quarter, it cannot be either the intention or the desire of the benign Government of His Highness the Maharaja of Mysore to permit the very names of "Hagalvadi" and "Kenchanagudda" to be wiped out of existence, at this time of the day, which will be the inevitable result of the arbitrary deprivation of the memorialists of their legal inheritance, an inheritance to which *they are justly and legally entitled* and which alone would enable them as *the only persons qualified and competent according to Law to hand down to posterity* the traditions of the families with undiminished glory, of the very wherewithal of doing so, and that in utter violation of the political pledges and the legal implications involved in the grant of these *pensions in lieu of Pallepat lands* as detailed above. For the foregoing, among other, reasons the memorialists respectfully pray that their legitimate claims may be recognized and either Thayammaji, their mother, or Rajasekharayya, the eldest of them, may be registered as the *Barawardar* of the entire pension of Rs. 270 *per mensem* subject to the usual obligation devolving on the head member of the family in respect of the subordinate members in accordance with law and precedents.

15. That the memorialists also earnestly pray that *they may be given a hearing through their counsel before their memorial is disposed of* in order that the several points raised in their memorial may be placed before the Government in a satisfactory manner.

For which act of justice and generosity the memorialists and their descendants in perpetuity will as in duty bound be ever beholden, even as their ancestors were beholden, to their Gracious Sovereign and His Noble Government.

"SANTI NIVAS,"
V Road, Chamarajapet,
Bangalore City.

Guardian for minor
Memorialists,
RAJASEKHARAYYA, KUMARASWAMY,
SREEKANTAYYA AND VISVANATHAYYA.

10

EXHIBIT A

Proceedings of the Government of His Highness the Maharaja of Mysore.

READ:—

Letter No. S.H.T. 781, dated 11/16th August 1930, from the Comptroller, forwarding the Report of the State Huzur Treasury Officer, Bangalore, in the matter of the disposal of the pensions of Hagalvadi Pallegar Family of Rs. 160 and Rs. 30 drawn by Sugandharaj and Devammaji who died on 20th May 1929 and 22nd March 1926, respectively.

2. Memorial, dated 30th January 1932, presented by Rajasabhabhushana Dewan Bahadur Sir K. P. Puttanna Chetty, guardian of the petitioners Rajasekharayya, Kumaraswami, Sreekantayya and Visvanathayya, minors, requesting the continuance of the pensions in their behalf.

Order No. Fl. 6992/St. A. 61-30-3, Bangalore, dated the 11/12th March 1932.

The Hagalvadi family pension granted to Veerappaji *alias* Veerappa Naick was, after his death, being enjoyed in shares by his three sons by the first wife, *viz.*, Basavalingaraja, Sugandharaja and Chennaveeraraja and by Devammaji, his younger widow. The former were in receipt of Rs. 80 each and the latter was drawing Rs. 30. On Basavalingaraja's death without male issue, his pension was continued to his widow Parvathammaji. After Chennaveeraraja's death without issue, Sugandharaja was in receipt of his own pension as well as that of his deceased brother. Both Sugandharaja and Devammaji having died, their stipends have remained undrawn.

2. The State Huzur Treasury Officer states that six claimants have applied for the continuance of the pensions as under :—

(1) Sadasivaraja prefers his claim as the son of Veerappaji, original Barawardar by his second wife Devammaji and as the step-brother of the deceased Sugandharaja;

(2) Veeraraja alleges that he is the adopted son of Veerappaji's daughter, Rajamma, sister of the deceased Sugandharaja;

(3) Parvathammaji has put in a claim as the widow of the late Basavalingaraja, brother of the late Sugandharaja;

(4) Sivappa claims to be the son of an alleged brother of Veerappaji;

(5) Nanjundaraja bases his claim as an adopted son of the deceased Sugandharaja and also as the nearest agnate of the last holder; and

(6) Rajasekharayya and his three younger brothers all minors, by their paternal grandfather and guardian, Sir K. P. Puttanna Chetty, claim as the daughter's sons of Basavalingaraja, brother of Sugandharaja.

3. After investigating the claims of the several applicants, the State Huzur Treasury Officer reports that claimants (1) to (5) have no right to the vacant pensions and that their petitions may be rejected. He, however, supports the prayer of claimants (6) and recommends that Rajasekharayya, the eldest of the four sons of Thayammaji may be

registered as the Barawardar of the entire Hagalvadi family pension of Rs. 270 per mensem subject to certain conditions.

4. The first claimant was adopted into another family while the second claimant is a member of a separate family altogether, and both these can have no claim to the vacant pensions.

The third claimant is already in receipt of a stipend of Rs. 80 since her husband's death in 1918 which is sufficient for her maintenance.

No. (4) has had no share of the pension so far and his claim cannot now be entertained. As regards claimant No. (5), his alleged adoption to Sugandharaja (even if it were a fact) is ineffective for the purpose of determining succession to the pension, for want of Government sanction.

5. Applicants No. (6) prefer their claims as the daughter's sons or *dauhitras* of Basavalingaraja and if succession is to be traced, as it should be under the Hindu Law, from the last male holder, *viz.*, Sugandharaja, they come in only as his brother's daughter's sons and cannot have any precedence over nearer heirs.

Whether Basavalingaraja or Sugandharaja is taken as the last holder of the pension, for the purpose of tracing succession, this Pallegar family should be considered to have ceased to exist as neither of them has left any male issue. And when a Pallegar frmily becomes extinct by the absence of natural or validly adopted male heirs, the justification for the continuance of the pension allowed to it ceases.

Government are of the opinion that the acceptance of the claim of a daughter's son would be quite opposed to the whole scheme and policy of Pallegar pensions. These are stipends specifically annexed to certain ancient families and are only intended for the personal benefit of scions of those families in the true sense of the term and it would not be right to allow them to be diverted for the benefit of other families.

6. In view of these considerations, the pension of Rs. 160 rendered vacant by the demise of Sugandharaja and the stipend of Rs. 30 granted to Devammaji should lapse to Government.

(Sd.) B. SREENIVASA IYENGAR,
Financial Secretary to Government.

To

The Comptroller to Government with the original papers.

"*True Copy*"

12

EXHIBITS B. SERIES

(B. 1)

Proceedings of the Chief Commissioner of Mysore.

Revenue Department. *12th August 1880.*

READ :—

Letter No. 25 of the 5th December 1879 from the Khazana Bakshi reporting on the succession to the stipend of Rs. 91-11-3 per mensem held by Chikkappiah of the Chikballapur Pallegar's family who died on the 28th May 1879.

Petition from Venkatalakshmammanni, widow of the said Chikkappiah, dated 20th May 1880.

Residency No. 117. *Dated Bangalore, 12th August 1880.*

Order thereon:—

It is observed that when Mr. Bowring increased the allowance of the Pallegars by 25 per cent he laid down that the stipends held by females should lapse on their demise. *This, however, must be considered as applying only to those cases in which the stipendiaries have no issue or heirs.* In the case under notice the deceased stipendiary, Chikkappiah, left a widow Venkatalakshmammanni and two daughters besides his mother, Chayammanni, who has two daughters and a step-mother Mangammani who has no issue. The joint petition, first presented by the above persons proposing to divide the stipend equally amongst them all, is now retracted by Venkatalakshmammanni. The Chief Commissioner is pleased to sanction the continuance of one-half of the stipend or Rs. 45 omitting fractions to Venkatalakshmammanni and one-half of the remainder or Rs. 22-8-0 to Chayammanni for the support of herself and her daughters and the remaining Rs. 22-8-0 to Mangammanni. The latter on the death of the stipendiary should revert to Venkatalakshmammanni.

2. The pension should be paid to the several parties in the above proportions from the date of the death of Chikkappiah, *viz.*, the 28th May 1879.

(Sd.) C. RANGACHARLU,
Revenue Secretary.

To

The Deputy Accountant-General of Mysore.
The Khazana Bakshi, Chief Commissioner's Treasury, Bangalore.

"True Copy"

(B. 2)

Proceedings of the Dewan of Mysore.

READ :

Letter No. 9 of the 15th August 1887 from the Khazana Bakshi reporting the death on the 17th May 1887 of Gangamma, one of the stipendiaries of the Manjarabad Pallegar family, who was in receipt of a pension of Rs. 84-11-11 per mensem, and submitting proposals for the disposal of the pension.

Letter No. 14 of the 11th October 1887 from the Khazana Bakshi forwarding certain papers in connection with the above-mentioned pension.

Order thereon: No. 1678, dated Mysore, 29th October 1887.

Gangamma, widow of Dodda Krishnappa Naik's son, and the last surviving representative of the elder branch of the Manjarabad Pallegar family died on 17th May 1887. She was in receipt of a pension of Rs. 84-11-11 per mensem. This pension must lapse to the State in strict accordance with the existing rules.

2. It is claimed by her alleged adopted son, Venkatadri Naik, as well as by other members of the family noted below :—

I.	(*a*) Dodda Krishnappa Naik (*b*) Chikka Manja Naik	Illegitimate descendants of the original Dodda Krishnappa Naik, father-in-law of Gangamma.
II.	Chendramma	Gangamma's daughter.
III.	(*a*) Chikka Krishnappa Naik (*b*) Ramaswami Naik	Descendants of the original Venkatadri Naik by his second wife.

3. The first question for decision is whether Venkatadri Naik was really adopted by Gangamma. On this point, it is observed that :—

Firstly, on the 2nd June 1845, Gangamma stated that she regarded Krishnappa Naik and Gopalraj Naik (father and uncle of Venkatadri Naik) as her heirs;

Secondly, there is the Deed of Adoption, dated 29th April 1852, but nothing was heard of this Deed till 1873;

Thirdly, in 1869, when Venkatadri Naik's father died, he gave a statement in which he said that he still belonged to his father's family, and neither he, nor his elder brother, nor his mother then referred to the adoption alleged to have been made in 1852;

Fourthly, there is Gangamma's Karar, dated 3rd November 1871, in which she admitted the adoption and promised her adopted son Venkatadri Naik Rs. 40/ per month for his maintenance.

Fifthly, on 23rd July 1873 Gangamma repudiated the adoption and denounced the Deed of Adoption and the last-named "Karar" as forgeries; and

Sixthly, there is the fact that Venkatadri Naik has been receiving no portion of the pension of his brother Kumar Krishnappa Naik.

4. On a very careful study of all the proceedings connected with the case, His Highness' Government are of opinion that the adoption of Venkatadri Naik by the deceased Gangamma did really take place, and in the special circumstances of the case, are inclined to think that the ordinary Rule regarding lapses of Pallegars' pensions may be relaxed in favour of the adopted son who is himself a prominent member of this important Pallegar family. They are accordingly pleased to direct that as an act of grace the pension of Rs. 84-11-11 per mensem held by Gangamma be continued to Venkatadri Naik with effect from 18th May 1887.

5. Of the other claimants mentioned in Para 2 above, Dodda Krishnappa Naik and Chikka Manja Naik (No. I) deserve no consideration. No. II, Chendramma, has no right to succeed to her mother's estate or pension in preference to the adopted son, and No. III, Chikka Krishnappa Naik and Ramaswami Naik, have no claim as the adoption of Venkatadri Naik has been recognized.

6. *On the general question of the validity of an adoption for the purpose of succession to a Pallegar pension, His Highness' Government are of opinion that no Native State should refuse its recognition to any adoption properly made from among the next of kin.* In 1882 His Highness the late Maharaja sanctioned the adoption of a son by a Pallegar widow and

continued the pension to such adopted son. During the British administration of the Province it was laid down (in August 1862 in connection with an adoption in the Anekal family) that the Government ought not to recognize any adoption as valid for the purpose of succession to a Pallegar pension. This ruling was based probably upon the Orders of the Madras Government, dated 18th September 1851 quoted at page 150 of the standing orders of the Board of Revenue (Mr. Dalyell's Edition 1866). These orders are laid down as follows :—

"Pensions granted hereditarily are to cease when the hereditary line fails and are not to pass to adopted children" and "the Government reserve to themselves, in all cases, the right of refusing to recognize the claims of an adopted son to any allowance in land or money." The same orders, however, authorised Collectors to recognize an adoption when the party adopted was near of kin to the party making the adoption, as nephew or first cousin of an undivided family.

7. *The case to which these orders of the Madras Government were intended to apply were not exactly analogous to the Mysore Pallegar pensions which were granted under very peculiar circumstances, partly in lieu of Palepatt lands and partly on political grounds. In British territory, the Government confirmed to the Pallegars in most cases their Palepatt lands subject to the payment of a Peshcush. In Mysore this class of petty rulers lost their political power and importance during the Muhammadan Rule and on the pacification of the country after the fall of Seringapatam, it was deemed inadvisable to restore them to their old Palepatt lands and they were accordingly granted money pensions. With the fall in the value of money, the pensions were increased on two occasions during the British administration, once in 1860 by 50 per cent and again in 1865 by 25 per cent.*

8. *Under such circumstances, His Highness' Government are of opinion that it would be no more than bare justice to extend to Mysore Pallegar Pensions the same rule of succession as applies to Palepatt lands. In the case of the latter, the succession admittedly vests in a son duly adopted, and to apply the same rule to the Mysore Pallegar Pensions would be in strict accordance not only with the fundamental principles of Hindu Law and the precedents of the State when under Native Rule but also with the popular general feeling in the matter.*

9. The Rule of Hindu Law which requires the previous sanction of the sovereign to an adoption by a widow in such cases, and which prescribe that the boy adopted shall be the nearest of kin to the adoptive father, is of special importance as regards Pallegar Pensions and must, therefore, be most scrupulously followed in order to ensure the recognition of any adoption as valid for the purpose of succession to a Pallegar Pension. The strict enforcement of this rule would be the means of keeping the pension in the same family, a result which is highly desirable on grounds other than those of mere conformity to Hindu Law.

(Sd.) R. VIJAYENDRA RAO,
Chief Secretary.

To

The Khazana Bakshi with original papers received from him and with a request that the Orders contained in Paras 4 and 5 above may be communicated to the parties therein named as well as to Krishnaswami Naik, nephew of Venkatadri Naik.

"*True Copy*"

(B. 3)

Proceedings of the Government of His Highness the Maharaja of Mysore.

READ :—

The petitions Nos. 1230 and 763, dated 1st September 1889 and 22nd July 1889 from Subbappa Naik, son of Kadirpati Naik and Chicka Latchmamma, widow of Ramappa Naik.

Also the Khazana Bakshi's Report No. 8, dated 20th September 1889 on the above petitions.

Order thereon : No. 1308/140 dated 21/23rd May, 1890.

There are three questions raised :—

1. Succession to Narasimha Naik as head of the family and to the family pension of Rs. 381-5-7.

2. The stipends to subordinate members.

3. The adoption of Thimmappa Naik by the widows of Ramappa Naik.

As regards No. 1, the son Ramalingappa must succeed in accordance with the practice of this State and of other States. *Under the old Hindu Law, perhaps succession used to be regulated by age but the law of primogeniture has so long been applied to this and analogous cases that there is in the matter a custom now which must be regarded as binding.*

As regards No. 2, *the head of the family must make due allowance to subordinate members.* These allowances are liable to variations from time to time according to the lawful and just requirements of the subordinate members and the means at the disposal of the head. Under arrangements made by the late Narasimha Naik with the other members of the family the following amounts have hitherto been paid :—

		Rs.	a.	p.
Thimmappa Naik (brother of the deceased)	..	45	0	0
Subbappa Naik Do.	..	37	8	0
Dasappa Naik Do.	..	37	8	0
Krishnappa Naik Do.	..	37	8	0
Narasimha Naik (son of another brother of deceased)		50	0	0
Ramappa Naik (died) (cousin of deceased)	..	72	8	0
Total	..	280	0	0

These payments used to leave the late Narasimha Naik only Rs. 101-5-7, an amount which was not capable of much reduction considering the large family he had to maintain and also the dignity of the head of the family. The present, however, is a suitable opportunity to see if any redistribution is really required. So that a statement of all branches entitled to support from the family pension should be made together with a list of the members belonging to each branch. Upon receipt of this information it would be desirable to decide about the distribution.

As regards No. 3, the former orders regarding the amount to be paid to the widows of Ramappa Naik and the adoption of a son by them were passed, it is believed, *before the present policy of recognizing adoptions was inaugurated. Under this policy no objection can be advanced against the adoption of Thimmappa Naik. The adoption in fact is denied, but all*

16

parties interested (who can even now join to effect it, the boy being only 10 years) agree in saying that it took place, and there is no reason to disbelieve their statements. The alleged prohibition by the husband on his permission is not proved, but under such circumstances, Subbappa Naik's permission would be sufficient and as such permission is evident from the record, the adoption of Thimmappa Naik must be held to be valid and he should be placed in the adoptive father's position.

(Sd.) T. ANANDA RAO,
Chief Secretary.

To

Khazana Bakshi.

"*True Copy*"

EXHIBITS C. SERIES

(C. 1)

Proceedings of the Government of H. H. The Maharaja of Mysore.

READ :—

Correspondence ending with Letter No. 6 from the Khazana Bakshi, State Huzur Treasury, submitting a report on the claims of Devammajee, for a maintenance allowance from the family pension now enjoyed by Basavalingaraj, a pensioner of the Hagalvadi Pallegar Family.

Order thereon: No. 53/54, dated Bangalore, 24th ~~October~~ September 1903.

Veerappajee, the late registered pensioner of the Hagalvadi Pallegar Family was getting a pension of Rs. 148-4-7 per mensem, which, on his death, was continued by Government Order No. 3 of the 9th April 1873 in the name of his eldest son Basavalingaraj "*for the support of the deceased's family consisting of two widows, five sons and two daughters.*"

2. Subsequently, in 1891, Government in their Proceedings No. 1194-6/1476 dated the 15th January 1891 *rejected the claims of Sadasivaraj and Lingaraj*, sons of the deceased Veerappajee by his second wife to a share in the family pension, *on the ground that they had been adopted into other families* and *ordered the continuance* of the payment of the pension, in question, *in the name of Basavalingaraj.* Thus the whole pension of the family which now amounts to Rs. 270 a month is *registered in the name of Basavalingaraj.*

3. Devammajee, the second wife of the late Veerappajee, has now applied *for a share in the family pension for her maintenance.* The Huzur Treasury Officer, who enquired into the matter, reports that Devammajee who was represented by her son Sadasivaraj duly authorized in this behalf by a power of attorney was willing to come to an amicable settlement and agreed to a sum of Rs. 35 a month towards her maintenance but that Basavalingaraj who first consented to this arrangement subsequently withdrew from it ; and now contends that Devammajee left his father's house during the latter's life-time and therefore she has no claim to the family pension. The Huzur Treasury Officer recommends that a *maintenance allowance* of Rs. 30 per mensem may be granted to Devammajee.

In the face of the previous Order (No. 3 of the 9th April 1878) it is too late to contend now that Devammajee had forfeited her right to be maintained out of the family property before she became a widow. The counter-petitioner, Basavalingaraj, having accepted the Orders of Government recognizing her right, is in fact estopped from raising this contention at this stage. His conduct has also shown that he cannot be trusted to maintain the claimant properly. The Government of His Highness the Maharaja are accordingly pleased to direct that *an allowance of Rs. 30 a month, as recommended by Huzur Treasury Officer be given to Devammajee, out of the family pension with effect from the date of this Order, during her life subject to reversion to the counter-petitioner or other representative of the family after her death.*

(Sd.) H. RAMAIAH,
For Secretary.

To

The Officer, State Huzur Treasury.
The Comptroller to the Government of Mysore.

"*True Copy*"

(C. 2)

Proceedings of the Government of H. H. the Maharaja of Mysore.

READ:—

Government Proceedings No. P.P. 118-19 dated the 28th January 1904, directing the disbursement to Sugandharaj and Chennaviraraj, of the Hagalvadi Pallegar family, arrears of pension for six months at Rs. 80 each out of *their family pension, registered in the name of their elder brother Basavalingaraj,* pending final orders regarding its division among three brothers.

ALSO:—

Government Proceedings No. P. P. 53-54 of the 24th September 1903 sanctioning a *maintenance allowance of Rs. 30* per mensem in the name of Devammajee, step-mother of Basavalingaraj, out of the pension of Rs. 270 per mensem registered in his name.

Order thereon: No. 139/40, dated Bangalore, 7th March 1904.

Deducting the *maintenance allowance of Rs. 30* a month granted to Devammajee in Government Proceedings of the 24th November 1903 read above, a pension of Rs. 240 per mensem is now enjoyed by Basavalingaraj *for the support of himself and his two brothers Sugandharaj and Chennaviraraj.* The latter have petitioned this office complaining that their brother has not been paying their shares and praying for the division of the pension equally among the three brothers. All the brothers *who were given a hearing before the Dewan* also represent that Devammajee referred to above is not in need of any help out of the family pension and request that the maintenance allowance granted to her may be added to their respective shares.

2. On a careful consideration of the case, the Government of His Highness the Maharaja are pleased to direct that, pending further investigation on the Petitioners' allegation about Devammajee's circumstances in life, the Orders already passed shall be duly enforced and *that the balance of the pension of Basavalingaraj* after deducting the *maintenance allowance* due to Devammajee *be equally divided* among the three brothers Basavalingaraj, Sugandharaj and Chennaviraraj and registered separately in their names.

3. Opportunity must be availed of by the Officer-in-Charge of the State Huzur Treasury to impress upon these pensioners that the continuance of the pension will depend upon their good conduct and respectability and *that they must try to improve themselves by education and other ways.*

4. *The Huzur Treasury Officer must also use his influence to bring all such stipendiaries to a sense of what is expected of them so as to educate their children and to train them up for some profession or other.*

(Sd.) H. RAMAIAH,
For Offg. Secretary.

To

The Officer-in-Charge, State Huzur Treasury.
The Comptroller to the Government of Mysore.

"*True Copy*"

(C. 3)

Proceedings of the Government of His Highness the Maharaja of Mysore.

READ AGAIN:—

Para 2 of Government Proceedings No. 139–40, dated the 7th March 1904.

READ ALSO:—

Letter No. 2523, dated the 23rd March 1904, from the Commissioner of Coorg, to the Secretary to the Chief Commissioner of Coorg (received with endorsement No. 1707, dated the 31st March 1904, from the First Assistant to the Honourable the Resident in Mysore), stating that Devammajee has not inherited valuable property from her mother, that she has no personal means except the *maintenance allowance* of Rs. 30 a month recently granted to her by this Government, that she is in need of help from the family pension of the Hagalvadi Pallegar and that the registered holder, Basavalingaraj and his brothers are unfairly endeavouring to deprive her of her equitable rights.

Order thereon: No. 170/1, Dated Bangalore, 21st April 1904.

The Government of His Highness the Maharaja consider that no change is called for in the Orders already passed in Government Proceedings No. P. P. 53–4, dated the 24th November 1903, sanctioning *a maintenance allowance of Rs. 30* per mensem to Devammajee. The Officer-in-Charge of the State Huzur Treasury is accordingly requested to communicate this decision to Basavalingaraj and his two brothers.

(Sd.) H. RAMAIAH,
For Offg. Secretary.

To

The Officer-in-Charge, State Huzur Treasury.

The Offg. Comptroller to the Government of Mysore.

"True Copy"

MEMORIAL

PRESENTED TO THE

GOVERNMENT OF HIS HIGHNESS

THE MAHARAJA OF MYSORE

In the Hagalvadi Pension claim by—

MESSRS.

RAJASEKHARAYYA,

KUMARASWAMY,

SREEKANTAYYA and

VISVANATHAYYA,

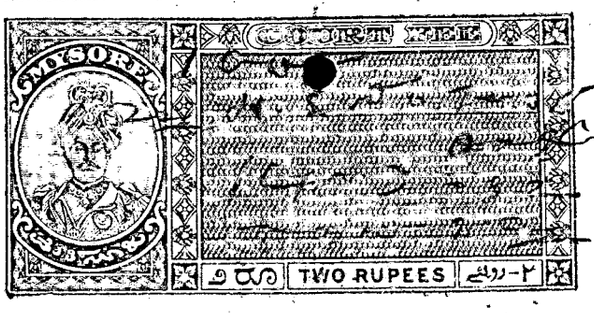
Minors by their Guardian

Dewan Bahadur

SIR K. P. PUTTANNA CHETTY,

KT., C.I.E.

1312-32 The Bangalore Press.



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OFFICE OF THE ... OF MYSORE
Date of Receipt 19.7.32
Petn. Regr. No. 127

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE, AT BANGALORE.

Re: POLITICAL PENSION OF HAGALAVADI POLYAGAR FAMILY.

FINANCIAL BRANCH 287 21 JULY 1932 GEN'L & R.C. SECTT.

Petitioner:- (presented by)

H. S. NANJUNDARAJA, son of SugandaRaja, Pollegar of Hagalavadi and Kenchanagadda.

The Petitioner abovenamed begs to state as follows:--

(1). The minor Nanjundaraja preferred a claim for the pension of Rs 270/-due to the Hagalavadi Polyagar family and the Government have passed an order directing t h e pension to lapse. The copy of the proceedings of the Government in Order No. F.L. 6992/ S & A 61-30-3, Bangalore dated 11/12th March 1932 is herewith appended. " The Government is of opinion that the family is extinct by the absence of natural or validly adopted male heirs and the justifi-

APP-A

- cation

justification for the continuance of pension allowed to it ceases". The Petitioner most respectfully submits that this view is not correct for the following amongst other grounds :-

(2). The Petitioner bases his claim to the pension of Hagalvadi on two grounds.

(a) As the adopted son of SugandaRaja the last male holder of the pen - sion and properties.

(b) The direct descendant of Suganda-Raja's father Veerappaji 's undivided own brother's son. Hence the Petitioner is the nearest agnate representing the Rlyagar family. The pension being granted to the Hagalvadi family and not to SugandaRaja personally, the petitioner represents the family even if the adoption be not recognised.

(3). As regards adoption , the Government in their Order expressed thus : - -

"As regards claimant No.(5), his alleged adoption to Sugandharaja (even if it were a fact) is ineffective for the purpose of determing Succession to the pension, for want of Government Sanction".

The petitioner humbly submits that

a validly made adoption cannot be set aside on the ground that previous sanction of Government was not obtained. There is no regulation in Mysore State nor any standing Orders of the Government having the force of law requiring such a sanction before a Palyagar can take a boy in adoption. Till now there has not been any case in which the Mysore Government have refused to recognise an adoption on the ground On the other hand the proceedings of the Government No. 1678 dated Mysore 29th October 1887 relating to an adoption by a widow clearly lay$ down that even in such cases, an adoption case be recognised by the Government even if previous sanction had not been obtained. The proceedings read thus:-

K.1

On the general question of validity of an adoption for the purpose of succession to a Pollegar pension. His Highness' Government are of opinion that no Native State should refuse its recognition to any adoption properly made from among the next of kin. In 1822 His Highness the late Maharaja sanctioned the adoption of a son by a Pollegar widow and continued the pension to such adopted son (ancestor of the Petitioner) " Under such circumstances His Highness ' Government are of opinion that it would be no more than bare justice to extend to

K.1

Mysore Pollegars the same rule of succession as applies to Pallepat land. In the case of the latter the succession vests in a son duly adopted and to apply the same rule to Mysore Pollegar pensions would be in strict accordance not only with the fundamental principles of Hindu Law and the precedents of the State , when under Native State but also with the popular general feeling in the matter ". The same principle has been recognised and acted upon by the Government in case of Roya durg Poleyagar Muddasvami Naik whose adoption was recognised though no permission of Government before adoption was taken as is clear by Proceedings 5454/S.H.27-24-6 dated 4-4-1925.

APP-C. N

It is laid down in Mysore Reversion Pages 256-264 that Hindu Princes on failure of male heirs of the body have a right to adopt to the exclusion of collateral heirs and that the British Government is bound to acknowledge the adoption provided that it is regular and not in violation of the Hindu Law.

It is thus clear that there is no restriction for a male to adopt and that such an adopted son stands in the same position as a natural born son.

Even in case of adoption by a Pollegar woman, the benign Government have in the Government Proceedings of 1889, referred to

- above

referred to above ,recognised the adoption made without the sanction of Government. The object as to why the sanction of Government is required in such cases is explained in the Proceedings No. 1678 dated Mysore 29th March 1887 thus :-

"The strict enforcement of this rule would be the means of keeping the pension in the same family". In that case an adoption made without sanction by Government was recognised 30 years later. (Vide Order No. 6925-6/667 dated 5-2-1889) Even that test is satisfied in this case, as the Petitioner belongs to the same Hagalvadi family being the deceased's father's brother's son. Hence it is bare justice on the part of the Government to recognise the adoption.

APP-B.

Apart from adoption, the petitioner represents the Hagalvadi family. Veerappaji enjoyed his pension till 1877 when he died. After his death his sons enjoyed the same. If adoption be not recognised, then, the petitioner who is Veerappaji's own brother's son would be entitled to succeed as the pension was granted to Hagalvadi Pollegar family and not to Sugandaraj. Hence mere fact that no descendants of Sugandaraj exist will not in any way make the family extinct. As long as Veerappaji's family including his brother's decendants exist, the family continues. In this connection the nature of pension is well described in the Government Proceedings of 1887 thus :- The cases to which these orders of the Madras

-Government

were intended to apply were not exactly analogous to the Mysore Pollegar Pensions which were granted under very peculiar circumstances, partly in lieu of Pallepat lands partly on Political grounds. In British territory, the Government confirmed to the Pollegars in most cases, their Pallepat lands subject to the payment of a Peshkash. In Mysore , this class of petty rules lost their political power and importance during the Muhammadan rule, and on the pacification of the country after the fall of Seringapatam, it was deemed inadvisable to restore to them their old Pallepat lands, and they were accordingly granted money pensions". The Petitioner humbly submits that the pension granted to his family was in lieu of the Pallepat lands being taken by Government and hence the same rule of succession as that applicable to other properties of a Pollegar family has to be applied to pension also. If this submission be accepted , the Government cannot stop the payment of pension as long as there is a Male member in the original family of Veerappaji according to the Hindu Law. It is only on the theory of escheat which constitutes the Ruler an heir to the estate of a person dying without any heir at all, that the Government can cease to pay the pension. In the present case it cannot be said that the Nagalavadi Pollegar family became extinct by the absence of

- natural

natural or validly adopted male heirs.

If the Government be not satisfied regarding the validity of adoption or whether the petitioner is the heir to the pension, the petitioner prays that reference may be made to the Civil Court or permission granted to the petitioner according to the Pension Act No. 23 of 1871 SS4 and 6 to get the adoption declared valid and also to get a declaration that the petitioner is the direct ligitimate lenial descendant of the last male - holder, as was done in the case of Pollegar of Royadurg wherein the permission was granted to get a declaratory decree in the Civil Court regarding the adoption of his daughter's son.

APP-D.

Z

The Petitioner humbly prays that the order passed by the Government regarding that of the Petitioner may be revieved and the pension be continued to him and thus save this ancient and respectable family from being thrown into streets as beggers, for which act of kindness, the Petitioner shall ever be grateful to the benign Government. The petitioner learns that the government have granted an hearing in this case on the 11th instant and heard only the argument of Mr. Alladi Krishna Swami Iyer vakil on behalf of the daughters' sons of Sugandaraja and thus the petitioner atro requents the benign government to kindly grant a similar hearing and hear the Advocate of the petitioner and do justice in the matter.

Bangalore, [illegible]

16 th July, 1932 Petitioner.

H.V. Narayana Rao

ADVOCATE FOR THE PETITIONER.

Address:- Nanjundaraja, Polyagar of Hagalavadi and Kehchahagudda,

C/o K.N. Sastry,
Vitoba Temple,
Santusapet, Bangalore city.

o o o

APPENDIX.A.

Proceeding of the Government of His Highness the Maharaja of Mysore.

Read:

Letter No. S.H.T. 781, dated 11/16th August 1930, from the Comptroller, forwarding the report of the State Huzur Treasury Officer Bangalore, in the matter of the disposal of the pensions of Hagalwadi Pollegar Family of Rs. 160/- and Rs. 30/- drawn by Sugandaraj and Devammaji who died on 20th May 1929 and 22nd March 1926 respectively.

2. Memorial dated 30th January 1932, presented by Rajasabhabhushana Diwan Bahadur Sir K.P.Puttanna Chetty, guardian of the petitioners Rajasekharayya, Kumaraswamy, Sreekantayya and Visvanathayya, minors, requesting the continuance of the pensions in their behalf.

Order No. FL.6992/St. A.61-30-3.

Bangalore dated the 11/12th March 1932.

The Hagalwadi Family pension granted to Veerappaji alias Veerappa Naik was, after his death, being enjoyed in shares by his three sons by the 1st wife Viz., Basavalingaraja, Sugandaraja and Chennaveeraraja, and by Devammaji, his younger widow. The former were in receipt of Rs. 80/- each and the latter was drawing Rs. 30/- . On Basavalingaraja's death without male issue, his pension was continued to his widow Parvatammaji. After Chennaveeraraja's death without issue, Sugandaraja was in respect of his own pension as well as that of his deceased brother. Both Sugandaraja and Devammaji having died, their stipends have remained undrawn.

2. The State Huzur Treasury Officer states that six claimants have applied for the continuance of the pensions as under:-

1) Sadashivaraja prefers his claim as the son of Veerappaji, original Barawardar by his second wife Devammaji and as the step-brother of the deceased Sugandaraja.

2) Veeraraja alleges that he is the adopted son of Veerappaji's daughter, Rajamma, sister of the deceased Sugandaraja.

3) Parvathammaji has put in a claim as the widow of the late Basavalingaraja, brother of the late Sugandaraja.

4) Sivappa claims to be the son of an alleged brother of Veerappaji.

5) Nanjundaraja bases his claim as an adopted son of the deceased Sugandaraja and also as the nearest agnate of the last holder and (6) Rajasekharayya and his three younger brothers all minors, by their paternal grandfather, and guardian Sir K.P. Puttanna Chetty claim as the daughter's sons of Basavalingaraja, brother of Sugandaraja.

2) After investigating the claim of the several applicants, the State Huzur Treasury Officer reports that claimants (1) to (5) have no right to the vacant pensions and that their petitions may be rejected. He, however, supports the prayer of claimants (6) and recommends that Rajasekharayya, the eldest of the 4 sons of Thayammaji may be registered as the barawadar of the entire Hagalwadi family pension of Rs. 270/- per mensem subject to certain conditions.

4) The first claimant was adopted into another family while the second claimant is a member of a separate family altogether and both these can have no claim to the vacant pensio ions .

5) The third claimant is already in receipt of a stipend of Rs. 80/- since her husband's death in 1918 which is sufficient for her maintenance.

Number 4 has had no share of the pension so far and his claim cannot now be entertained. As regards claimant No.5 his alleged adoption to Sugandaraja (even if it were a fact) is ineffective for the purpose of determining succession to the pension for want of Government sanction.

5) Applicants No. (6) prefer their claims as the daughter's sons or dauhitras of Basavalingaraja and if succession is to be

traced, as it should be under the Hindu Law, from the last male holder, Viz., Sugandaraja, may they come in only as his brother's s daughter's sons and cannot have any precedence over nearer heirs.

Whether Basavalingaraja or Sugandaraja is taken as the last holder of the pension, for the purpose of tracing succession, this Pallegar family should be considered to have ceased to exist as neither of them has left any male issue. And when a Pallegar family becomes extinct by the absence of natural or validity adopted male heirs, the justification for the continuance of the pension allowed to it ceases.

Government are of the opinion that the acceptance of the claim of a daughter's son would be quite opposed to the whole scheme and policy of Pallegar pensions. These are stipend specifically annexed to certain ancient families and are only intended for the personal benefit of scions of those families in the true sense of the term and it would be right to allow them to be diverted for the benefit of other families.

6. In view of these considerations the pension of Rs.160/- rendered vacant by the demise of Sugandaraja and the stipend of Rs. 30/- granted to Devammaji should lapse to Government.

Sd. B.Srinivasa Iyengar,

Financial Secretary to Government.

Tp,

The Comptroller to Government with the original papers.

" True Copy "

APPENDIX B.

Proceedings of the Mysore Government recognising the adoption of one Chickarayaruby Rani Akkajammanni widow of Anekal Palyagar which adoption had been cancelled by the Chief Commissioner of Mysore in 1861 and after the death of Chikkarayalu and nearly 30 years after, its cancellation, the same adoption is duly recognised by the Government 1889 and the pension is still being paid to his sons.

Proceedings of the Dewan of Mysore.

Read:

Petition dated 16th October 87 from Akkajammanni of the Anekal Polegar family soliciting permission to adopt a boy for purposes of succession to the family pension.

Letter No. dated 29th November 88 from the Khajana Bakshy reporting upon the above petition.

Order thereon No. 6925-6/667 dated Bangalore 5th February 89.

1. The adoption of Chickroyar by Akkajammanni is recognised as valid under the Policy enunciated in proceedings Camp No. 1678 29th October 1887.

The enjoyment of Poligar pension of Rs. 148-4-7 per month by Akkajammanni will not however be distributed during her life time but after her death it will descend to her adopted son Chickkaroyar's eldest son, whom it is proposed to marry her daughter's daughter.

2. To the Deputy Commissioner, Bangalore will be asked to permit the Anekal Pollygar Family to keep two muskets and four peons with same distinctive badge.

Sd/- C.Madiah,
For Chief Secretary.

APPENDIX C

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read,

Petition dated 22nd August 1924 and 28th November 1924 from M.V.Mudduswami Naik praying that he may be permitted to adopt his daughter's son - M.V.Venkatadri Naik alias M.V. Venkataramanaswami Naik, who may be allowed the Pallegar pension now drawn by him.

Order No. F.L. 5454/ S.M.27-24-6 dated 4th April 1925.

The petitioner's prayer was before Government more than once in the past and it was not granted on the ground that the young man proposed to be taken in adoption was not nearest of him, as required by Government order No. Camp 1678 dated 29th October 1887, laying down the conditions under which adoptions to the families of Pollegar pensioners would be recognised by Government.

The petitioner Mr. Mudduswami Naik has renewed his request again and urged a reconsideration of the orders on the following grounds:-

1) That the circumstances of the family are such that he cannot think of adopting a son from the family of his cousins, who are on terms of fued with him as proved by many police records and.

2) That the members of his family are divided from his father's time and that they are living seperately and drawing their pensions independently.

3) That the adoption permissible under the Hindu Law was made by him on 25th April 1919.

On a reconsideration of the case and in view of its special features urged by the petitioner, Government are pleased to direct that the adoptions by Mr. Mudduswami Naik alias M.V.Venkataramanaswami Naik be recognised for the purpose of continuing the

APPENDIX-D.

32

Government of H.H.the Maharaja of Mysore.

General and Revenue Department.

Bangalore 12-10-1926.

N.F. 3062. / SRA 26-26-2 ENDORSEMENT.

To,

Mr. R.P.Koneti Naik,

131, Cotton Petta,

Bangalore City.

In reply to his petition dated 4th September 1926 praying for reconsideration of the Orders of Government recognising the adoption of Venkatadri Naik alias Venkataramanaswamy Naik a Pollegar pensioner.

The petitioner is informed that it is open to him to get the adoption in validated in a court of law and then apply to Government for redress.

By order
Sd. B.S.Ragavendra Rao.
5-10-26.

Appendix F G—1]

SUBJECT .....

.....

.....

Section S+A

File No. 41--32

Serial No. 3

Diary No. of letter replied to .....

No Fl 1643

Endorsement granted

To Mrs. M.S. Nanjundaraja, ~~Pollegar~~ ~~Pensioner of~~ Hagalvadi ~~Kanakan~~ ~~grant~~

c/o Mr. K. N. Sastry,

Vitoba Temple

Santusapet,

Bangalore city

General and Revenue Secretariat

( )

the 193 .

Date of issue 15/9/32

Signed by M. A. 8, 09

with reference to his petition dt. 16-7-1932 re. ~~the payment~~ his claim to Hagalvadi Pollegar family pension of Rs 270 ~~to him~~ to Mrs Nanjundaraja is informed that ~~the~~ case will be heard ~~by the~~ in the chambers of the 1st member of council ~~counsel by the 1st member of council~~ ~~in his chambers~~ in the Old Public Offices Buildings, on Monday the 26th instant ~~at 12 noon~~ at 12 noon.

By Order,

List of enclosures .....

Copied by .....

Examined by .....

for Financial Secy.

WD 71—GPBM—40,000—20-7-31.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 15th Sept. 1932.

No. PC 1643 SRA.

ENDORSEMENT.

Granted to Mr. H.S. Nanjundaraja
C/O
Mr. K.N. Sastry,
Vitoba Temple, Santusapet,
Bangalore City.

With reference to his petition dated 16-7-1932 re: his claim to Hagalvadi Pollegar Family pension Mr. Nanjundaraja is informed that the case will be heard in the Chambers of the 1st Member of Council in the Old Public Office Buildings, at 12 Noon on Monday the 26th instant.

By Order,

A. Subba Rao

For Financial Secretary to Government.

K.M.R.2.
15-9.

G.R.S. App. F VI—G 2]

SUBJECT .....

.....

.....

Section S & A.

File No. 41-32

Serial No. 4

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the 193 .

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue 25/4/ 1933.

Signed by .....

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

Read—

G.O. No. H. 6992/S & A. 61-30. dt 11/12th-march 1932 directing that the pension of Rs 160/- rendered vacant by the demise of Sugandharaja and the pension of Rs 30/- granted to Devammaji of the Hagalvadi Pollegar family should lapse to Govt...

2. Letter dt 6-7-1932 from Sir K. P. Puttanna chetty ~~enclosing~~ submitting a memorial on behalf of his four minor grandsons - Rajasekhara, Kumaraswami, Sreeramulu and Visvanathayya praying

'31'

or d reconsideration of the ~~G.O.~~ orders passed

~~referred to above~~

Order No. Fl 5 710-11

(Here type the matter enclosed with

inverted commas in the minute of

the 1st member of council.)

&c 22/4/33.

For Financial Secretary

Ans

To, Sir, K. P. Puttanna chetty, Kt. B. E.

The Comptroller to Govt.

List of Enclosure.

Copied by

Examined by

WD 73—GBPM—20,000—10-8-31.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Read:-

Government Order No. Fl. 6992/S&A 61-30-3 dated 11/12th March 1932 directing that the pension of Rs. 160/- rendered vacant by the demise of Sugandharaja and the pension of Rs. 30/- granted to -- Devammaji of the Hagalvadi Pollegar Family should lapse to Government.

2. Letter dated 6th July 1932 from Sir K.P.Puttanna Chetty submitting a memorial on behalf of his four minor grandsons- Rajasekharayya, Kumaraswami, Sreekantayya and Visvanathayya praying -- for a reconsideration of the orders passed.

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ORDER No. Fl 5740-11 Jr A. 41.32.4

Dated Bangalore the 24th April 1933.
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With his letter dated the 6th July 1932 Sir K.P.Puttanna Chetty submitted, as the guardian for his four minor grandsons Rajasekharayy Kumaraswami, Sreekantayya and Visvanathayya, a memorial requesting a reconsideration of the Government Order No. Fl.6992/S&A61 -30-3 dated 12th March 1932 rejecting their claim to the Hagalvadi Pollegar pension. The memorialists' request that they may be given a hearing through their counsel, was complied with and Sir Alladi Krishnaswami Iyer argued their case on the 11th July 1932.

The main contentions of the memorialists are the following:-

i. They are as much scions of the Hagalvadi family as any natural or validly adopted male heirs.

ii. There are no nearer heirs than the memorialists.

iii. A Pollegar pension can lapse to Government only when there are no heirs.and

iv. A Pollegar pension is a grant of a fiduciary character and its devolution should be governed by the same rules of succession as are applied to Pallepet lands.

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The memorialists claim to be members of the Nagalvadi family as dauhitras of Basavalingaraj. A daughter's son is not a gotraja but only a bhinnagotra though he inherits by virtue of special texts. The petitioners belong to a gotra or family different from that of the original grantee of the pension under consideration and their contention that they should be regarded as the scions of the Nagalvadi family, merely because they can trace their relationship to such grantee through their mother, is quite untenable. The arguments that they are the nearest heirs and that the pension could lapse only when there are no heirs, proceed upon the unfounded assumption that Jaigir pensions are heritable private property, the succession to which is governed by all the ordinary principles of Hindu law. These pensions are grants by Government made on special grounds and for a specific purpose and they cannot be allowed to be inherited indefinitely according to any rule of perpetual succession. Being political pensions allowed from public revenues and sanctioned at the discretion of Government, these stipends possess no fiduciary character whatever. They are intended for the maintenance of particular families and should cease when the families concerned cease to exist. The family of the original grantee has become extinct through failure of lineal descendants, including heirs validly adopted, and the pension allowed to it has accordingly lapsed in the natural course. The Memorialists have no claim whatever to the pension and there are no reasons to reconsider the orders already passed.

M. Shamanna

For Financial Secretary to Govt.

To

Sir A.P.Muttanna Chetty, Kt., C.I.E.,

The Comptroller to Government.

C.R.